



Surface Transportation Board
Washington, D.C. 20423-0001

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Public Record

MEMORANDUM

TO: Cynthia T. Brown, Chief, Section of Administration, Office of Proceedings

FROM: Martin J. Oberman, Chairman

RE: Ex Parte Communications Related to Docket No. FD 36514

DATE: July 16, 2021

On July 12, 2021, I received a letter from Keith Kalinowski expressing views regarding the proposed merger of Canadian National Railway Company (Canadian National) and Kansas City Southern and its railroad affiliates (KCS). I have enclosed a copy of the letter with this memorandum. Because Canadian National filed a notice of intent to file an application to acquire KCS on April 20, 2021, in Docket No. FD 36514, this communication is a prohibited ex parte communication pursuant to the Board's decision in Petition of Fieldston Co., Inc. to Establish Procedures Regarding Ex Parte Communication in Railroad Merger Proceedings, Docket No. EP 619 (STB served Jan. 8, 1997). Please place this memo and the enclosed material in the public docket of Docket No. FD 36514.

June 16, 2021

The Honorable Martin J. Oberman
Chairman
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20423-0001



Subject: proposed merger of Canadian National and Kansas City Southern

Dear Chairman Oberman:

As a resident of the 43rd Ward in Chicago and a public transit proponent, I am very cognizant of your service to the City of Chicago as an Alderman and Chairman of Metra. Your experience in politics and in the transportation sector, your efforts to reform the various governments and agencies with which you have worked has been very refreshing.

I, personally, am very interested in the health of the rail industry, both passenger and freight in the U.S. and so I am contacting you regarding the proposed Canadian National and Kansas City Southern merger. I am also a co-founder of the High Speed Rail Alliance and am still Secretary on the Board of Directors and so the viability of all rail in the U.S. is important to me and to the growth of our economy. In my work I consult with dozens of Canadian and U.S. companies every year and know the importance of a vibrant, connected transportation system to insure the strength of our local supply chains. I am a strong believer in investing in the North American economy considering the threats of unfair foreign competition.

I believe that the combination of Canadian National and Kansas City Southern would facilitate trade and economic prosperity between the United States, Mexico, and Canada and bring new, sustainable transportation solutions to businesses throughout Illinois and the Midwest, help reduce greenhouse gas emissions and free up capacity on already congested roads and expressways.

I have worked with Canadian National for many years and appreciate their responsiveness and openness to the needs of residents and businesses. Canadian National has long operated in the United States and has contributed to the local economies in terms of hundreds of millions of dollars in investments and the creation and retention of thousands of jobs. It is committed to being a strong local partner in every community where it operates.

For these reasons, I encourage the STB to approve the voting trust that will allow Kansas City Southern's shareholders to make a fair and informed decision on merging with Canadian National.

Sincerely,

Keith Kalinowski
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